IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2277 OF 2007

Shobhana Ashok Shardul .... Petitioner

versus

Ashok Haribhau Shardul..... Respondent.

Shri Rahul D. Motkari for the petitioner.
Shri P.A.Pol APP for Respondent no.2.

CORAM; A.P. DESHPANDE, J.
DATED; 07TH DECEMBER, 2007

P.C.;

1. The petiitoner is wife who has been granted maintenance from the husband and the same was also enhanced. The respondent husband has moved an application under section 127(3) of Cr.P.C. and has applied for quashing of the order of maintenance by contending that there has been change in the circumstances. In the said pending proceeding, the present petitioner moved an application for framing of preliminary issue touching the maintainability of the application. According to the petitioner, there is absolutly no change in the circumstances. The trial court has rejected the application moved by the petitioner for framing of preliminary issue touching the maintainability of the present petition and has further held that the issue will be conidered and

decided at the time of final hearing of the matter. It is this order which goes to defer the decision of the question of maintainability till final hearing, is called in question by filing the present writ petition.

2. Perused the impugned order. It does not call for any interference in exercise of writ jurisdiction. Hence Writ Petition is summarily dismissed.

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